

**BOARD OF REGISTRATION IN PHARMACY
MINUTES**

JUNE 5, 2012

**239 Causeway Street, 4th Floor, Rooms 417A and B
Boston, Massachusetts**

**Board Members
Present**

Stanley Walczyk, RPh; Karen Ryle, RPh, MS; Sophia Pasedis, RPh, PharmD; Joanne Trifone, RPh; Kathy Fabiszewski, PhD, NP; Donald Accetta, MD, MPH; James T. DeVita, RPh ; George Cayer, RPh; Anita Young, EdD, RPh

Board Members Absent

Steven Budish

Staff Present

James D. Coffey, RPh, Director; Margaret Cittadino, MEd, Associate Director; Susan Manning, Board Counsel; Leo McKenna, RPh, PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh, Supervising Investigator; Cheryl Lathum RPh, PharmD, Investigator; William Frisch, Jr., RPh, Investigator; James Emery, Pharmacy Technician, Investigator; Janice Yoo, Northeastern University School of Pharmacy Extern

1. 8:30 a.m. **CALL TO ORDER**
President-Elect James T. DeVita, RPh
- Welcome New Board Member Anita Young, EdD, MEd, RPh

2. 8:35 a.m. **REVIEW/ADOPTION OF BOARD MINUTES**
- May 8, 2012 Minutes

Motion Walczyk/Trifone to approve minutes
Approved

3. 8:40 a.m. **APPLICATIONS and Other Notices - Assoc. Dir. Margaret Cittadino**
New Community Pharmacy
Holliston Family Pharmacy, Inc. 461 Washington Street, Holliston
Change of Manager
Boston Home Infusion, 110 Stergis Way, Dedham (DS2623)
CarePlus CVS 2424, 165 Mill Street, Leominster (DS3224)
CVS 706, 393 Massachusetts Avenue, Acton (DS24385)
CVS 1217, 587 Boylston Street, Boston (DS2011)
CVS 260, 155-157 Charles Street, Boston (DS2294)
CVS 2256, 2 Center Plaza, Boston (DS2790)
CVS 8972, 285 Columbus Avenue, Boston (DS89677)
CVS 361, 55 Summer Street, Boston (DS3043)
CVS 0799, 786 Ashley Boulevard, New Bedford (DS3604)
CVS 6505, 98 Boylston Street, Newton Upper Falls (DS3522)
CVS 582, 131 Main Street, Spencer (DS2525)
Preferred Pharmacy Solutions, 35 Avco Road, Bradford (DS3542)
Rite Aid 10173, 11 Pearl Street, Braintree (DS3100)
Walgreens 7329, 75 Market Street, Rockland (DS3362)
Walmart 10 2904, 700 Oak Street, Brockton (DS2977)
Walmart 10 2629, 100 Valley Parkway, Whitinsville (DS3508)
Retail Pharmacy Relocation
Stop & Shop Pharmacy 31, 425 Attucks Lane, Brewster FROM
65 Independence Drive, Hyannis (DS2113)

Renovation/Expansion

CVS 26, 596 Middlesex Fells, Medford (DS2912)

Motion to approve applications

Recused DeVita for all CVS; Trifone for all Walgreens

Approved

4. 8:45 a.m. UPDATES

Dir. James D. Coffey/QA Coordinator Leo A. McKenna

- NABP 2012-2013 108th Annual Meeting, Philadelphia, PA (May 19-22, 2012)

Karen M. Ryle was elected NABP President-Elect. Delegates approved a District 1 resolution proposal to support board of pharmacy efforts to require NABP's standardized model outpatient prescription container label.

- Joanne Trifone will attend the University of Utah Program on Alcoholism and Other Drug Dependencies (June 17-22, 2012)

- Report of Board Dispositions – Dir. Coffey

- Report of Board Delegated Complaint Review Dispositions (May 15, 2012) – QA Coordinator McKenna

5. 9:00 a.m. APPLICATION/Appearance - **Celeste Frappier**, RPh (Reciprocal Applicant/CT)

Applicant responded to Board inquiries regarding the discipline of her CT pharmacist registration; her knowledge of pharmacy practice in the Commonwealth, and Massachusetts employment plans.

Motion Cayer/Trifone to deny application based on concerns as to fitness to practice independently and supervise pharmacy support personnel, and prior disciplinary history in another jurisdiction (CT) and the particular conduct involved as well as delayed disclosure of such information on the NABP reciprocity application.

Recused DeVita (not present in meeting room for discussion or vote)

Approved

6. 9:20 a.m. PRESENTATION – MA DPH Pharmacist Work Force Survey (2010)

Beth Baker, MPH, MA DPH, Primary Care Office, Division of Primary Care and Health Access

Beth Baker presented information and responded to Board inquiries regarding the pharmacist workforce survey. The Board requested a comparison of the DPH and National Pharmacist Workforce Survey data.

7. 9:35 a.m. REPORT OF OFFICE OF INVESTIGATIONS (no handout)

File Review - Samuel J. Penta, RPh, Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, PharmD, RPh, Investigator; William E. Frisch, Jr., RPh, Investigator; Leo A. McKenna, PharmD, RPh, QA Coordinator

1	PHA-2012-0010 O'Laughlin's Pharmacy DS1138	Motion Trifone/Cayer to Dismiss with Advisory Letter with ISMP report and review of ISMP recommendations for development of storage policy for sound-alike/look-alike drugs; recommendation to implement scanning/bar-coding and optimize NDC verification. Recused Walczyk (not present in meeting room for discussion or vote) Approved
	PHA-2012 Lisa Frinks PH19958	Motion Ryle/Pasedis to Dismiss with Advisory Letter with 2 continuing education credits (CEs) in medication error prevention. Recused Walczyk (not present in meeting room for discussion or vote) Approved
2	PHA-2011-0219 Betro Pharmacy DS1184	Motion Pasedis/Cayer to Dismiss with Advisory Letter and a Plan of Correction for blister packaging quality assurance. Approved
	PHA-2011-0336 Peter A. Betro, Jr. PH20059	Motion Cayer/Ryle to Dismiss with Advisory Letter and 2 CE's in medication error prevention. Approved

8. 10:25 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints, Applications, Adjudicatory Session and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

Board reviewed Massachusetts Public Health Council letter (4/28/12) to members regarding tobacco sales in pharmacies. Counsel advised Board that Dir. Pontikas will communicate with the DPH Tobacco Cessation and Prevention Program for an update regarding any local and state efforts regarding tobacco sales restrictions.

10:30 a.m. **Motion Walczyk/Pasedis** to enter Closed Session. **Approved**

11:15 a.m. **Motion Ryle/Trifone** to return to Open Session. **Approved**

9. 11:15 a.m. Matter of Board President position following appointment of new Board Member (May 2012)

After discussion, members affirmed that President-Elect DeVita should commence tenure as Board President, effective immediately, and preside through 2013.

10. 11:20 a.m. SHARED PHARMACY SERVICES – Continuation of Discussion

Motion Pasedis/Ryle to initiate process to promulgate regulations enabling shared pharmacy services in the Commonwealth.

Approved

11. 11:35 a.m. NORTH SHORE PHARMACY SERVICES (NSPS)/Appearance
CLOSED SESSION – MGL c. 112, s. 65C
Consent Agreement (June 3, 2011) – NSPS Presentation, Review and Discussion
- 11:35 a.m. **Motion Walczyk/Pasedis** to enter Closed Session. **Approved**
- 12:15 p.m. Accetta and Fabiszewski exit meeting
- 12:55 a.m. **Motion Ryle/Trifone** to return to Open Session. **Approved**
12. 12:55 p.m. LUNCH
13. 1:35 p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
AMERIDOSE – Proposed: 203 Flanders Road, Westborough, MA
Recused Pasedis (not present in meeting room for discussion or vote)
Present: Timothy P. Maloney, Designated Representative; Gregory A. Conigliaro, Owner/Manager/VP
Wholesale distributor applicant proposes to distribute Schedule II-VI substances.
Motion Ryle/Trifone to approve application pending compliant inspections.
Approved
14. 2:15 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
ONE WORLD RX, INC. – Proposed: 138 Highland Avenue #5, Lowell, MA
Present: Co-owner/proposed Manager of Record Soriya A Sok, RP (PH22019); Co-owner Adam Pril
Retail pharmacy applicant proposes to dispense Schedule II-VI substances.
Motion Pasedis/Ryle to approve application pending compliant inspection.
Approved
15. 2:45 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
OUTER CAPE HEALTH SERVICES – Proposed: 49 Harry Kemp Way, Provincetown, MA
Present: Proposed Manager of Record Thomas R. Kelley, RPh, (PH24053); Victor Fournier, RPh, Operations Supervisor, Integrated Pharmacy Solutions, Inc.
Retail pharmacy applicant, to be located in community health center, proposes to dispense Schedule II-VI substances. Waiver request filed for minimum pharmacy square footage (247 CMR 6.01(5)(b)).

Proposed MOR Kelley responded to Board inquiries regarding counseling area and pharmacy square footage limitations; stating that clinic licensure requirements limited the space available for the proposed pharmacy. Board members stated concern that limited space may impact pharmacy functioning should daily prescription volume approach 250 (tourist season) and noted necessity for expansion if such volume is reached to ensure safe pharmacy practice.

Motion Trifone/Walczyk to approve application pending compliant inspection.
Approved

FLEX DISCUSSION

A. NEW BUSINESS

1) **Earl Willard Pease** – Reciprocal Pharmacist Application

Motion Trifone/Ryle to approve application
Approved

B. OLD BUSINESS

1) **Jafari Medical Supply** – Wholesale Distributor Applicant

Applicant advised (5/22/12 letter) wholesale distributor license not required as no controlled substances will be on premises or in possession of applicant at any time.

2) Matter of **Shem M. Gichuhi** – Pharmacy Intern Applicant

The Board again reviewed Mr. Gichuhi's pharmacy intern registration application and additional documents provided since initial review and Board appearance (3/6/12).

After extended discussion of information disclosed on application, information not disclosed on application, letter regarding sessions completed since initial review of application, letters of support and MCPHS academic counselor letter, and applicant's response to non-disclosed DOR matter regarding expired real estate salesperson license;

Motion Trifone/Pasedis to approve intern registration application on probationary status with conditions for period prior to pharmacist licensure, provided official confirmation of current MCPHS academic standing is received.

Approved
Opposed Ryle


16. INFORMATIONAL ITEMS and CORRESPONDENCE

- 1) Better Pill Bottle for the Blind and Visually Impaired
- 2) Medication Disposal

3:25 **Motion** Ryle/Walczyk to adjourn. **Approved**

17. 3:25 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey

Director

Board approved: July 10, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
JUNE 5, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel
Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18-21 (Adjudicatory and Executive)

10:25 a.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

Matters of:

- Raymond J. Bisso (PH16701) – Docket No. PHA-2012-0055
 Proposed Final Decision and Order by Default (OmniCare Pharmacy)

Motion Walczyk/Trifone to adopt *Proposed Final Decision and Order by Default* and REVOKE license.

Approved

- **Erin Morrison** (PT5362) – Docket No. PHA-2012-0013
 Proposed Final Decision and Order by Default (Walgreens Pharmacy)

Recused Trifone (not present in meeting for discussion or vote)

Motion Walczyk/Ryle to adopt *Proposed Final Decision and Order by Default* and REVOKE registration.

Approved

- **Robert Pillion** (PT4905) – Docket No. PHA-2011-0253
 Proposed Final Decision and Order by Default (Walgreens Pharmacy)

Recused Trifone (not present in meeting for discussion or vote)

Motion Ryle/Cayer to adopt *Proposed Final Decision and Order by Default* and REVOKE registration.

Approved

- **Bruce J. Zippin** (PH16477) – Docket No. PHA-2011-0120

Board reviewed proposed *Final Decision and Order after Sanction Hearing* and the exhibits presented at the hearing limited to sanction mitigation conducted by Administrative Hearings Counsel Beverly Kogut. After extended discussion, the Board voted to continue the suspension of Mr. Zippin's license (minimum total two year period commencing 5/11/11) and identified conditions for Board to review petition to terminate the suspension after re-examination and place his license on probation for a five year period, including conditions related to practice limited to certain prescription fulfillment functions only, no manager of record position, no collaborative drug therapy management practice, no immunization therapy practice, pre-approval of practice settings and scheduled employer

evaluations, and any other terms and testing, evaluation or monitoring conditions as the Board may deem to be necessary and appropriate.

Motion Cayer/Walczyk to adopt *Proposed Final Decision and Order after Sanction Hearing* and issue Order with conditions listed above.

Opposed: Accetta

Approved

- **Ernest McGee** (PH20084) – Docket No. PHA-2009-0128

Board reviewed proposed *Final Decision and Order after Sanction Hearing* and the exhibits presented at the hearing limited to sanction mitigation conducted by Administrative Hearings Counsel Maimoona Sahi Ahmad. After extended discussion, the Board voted to REVOKE Mr. McGee's license. The Board will **not** review any petition for pharmacist licensure in the Commonwealth filed sooner than July 19, 2016 (or five (5) years from the Effective Date (July 19, 2011) of the summary suspension of Respondent's right to renew his expired pharmacist registration). During the period Respondent's pharmacist license is revoked, Respondent may not be employed as a pharmacist or pharmacy technician to provide any services related to the practice of pharmacy, or be employed to provide any pharmacy related services in any capacity, in any pharmacy setting in the Commonwealth. If at any time in the future Respondent seeks re-licensure by the Board, he will be required to re-apply to the Board and meet all current requirements for licensure, including, but not limited to, requirements related to good moral character, re-examination, re-training and such other reinstatement terms and conditions as the Board may deem to be necessary and appropriate. Any decision to grant a petition for licensure in the future would include probationary status, practice limitations and other monitoring conditions as the Board may deem to be necessary and appropriate.

Motion Walczyk/Young to adopt the proposed *Final Decision and Order after Sanction Hearing* and issue Order with conditions listed above.

Approved

11:15 a.m. **Motion** Ryle/Trifone to return to Open Session. **Approved**

12. 11:35 a.m. NORTH SHORE PHARMACY SERVICES (NSPS)/Appearance
CLOSED SESSION – MGL c. 112, s. 65C
Consent Agreement (June 3, 2011) – NSPS Presentation, Review and Discussion

11:35 a.m. **Motion** Walczyk/Pasedis to enter Closed Session. **Approved**

Recused Cayer (not present in meeting for discussion or vote)

Present: Frederick Rowe, RPh, Manager of Record, No. Shore Pharmacy
Steve Rappa, RPh, Regional Vice President, Omnicare
Bill Irvin, RPh N.E. Division Compliance Officer, Omnicare
Anne McCloskey, RPh, Regional Compliance Officer, Omnicare
Michael R. Cohen RPh, MS, ScD, President, ISMP
Donna Horn, RPh, DPh, Director, Patient Safety, ISMP

In accordance with the *Consent Agreement* dated June 3, 2011 executed by NSPS and the Board (Par. 4. (m)), NSPS representatives appeared and presented information to the Board regarding pharmacy operations, compliance with the agreement, the NSPS Regulatory Compliance Plan, and relevant federal and state statutes and regulations. ISMP representatives (independent consultant per Par. 4. (f)) described their activities and activities/interactions with NSPS staff to date. Board members inquired regarding various aspects of NSPS corrective actions and auditing processes following the execution of the agreement. NSPS stated that all implemented and to be implemented ISMP recommendations, as well as NSPS generated policy and procedure revisions, will be implemented at all Omnicare owned pharmacies in the Commonwealth (Stat Care, McClellan, on a schedule to be determined. Board confirmed that ISMP follow-up assessment of implementation status of recommendations included in the Report should be included in the Certification of Completion of corrective actions due to be provided by NSPS (Par. 4. (k)).

12:55 a.m. **Motion** Ryle/Trifone to return to Open Session. **Approved**